

NOTICE OF REMOVAL
EXHIBIT 7
STATE COURT
PLEADINGS

CITATION

ELITE SPECIALTY WELDING, LLC

Versus

PACKAGING CORPORATIN OF AMERICA, ET AL



Case: 20180141
Division: B
36th Judicial District Court
Parish of Beauregard
State of Louisiana

TO: JOSEPH AL FLORES
704 LOFTON RD
DERIDDER, LA 70634

2018 MAY 14 PM 2:40

Parish: BEAUREGARD

You are hereby cited to appear before said Court, for said Parish and to comply with the demand contained in the DAMAGES petition of ELITE SPECIALTY WELDING, LLC against you, a certified copy of which accompanies this citation, or to file your answer or other pleadings to said petition in the office of the Clerk of Court of the 36th Judicial District Court in the Beauregard Parish Court House, in the City of DeRidder within 15 days after service hereof. Your failure to comply herewith will subject you to the penalty of entry of default judgment against you.

Witness my official signature and seal of office at DeRidder, Louisiana on 2/8/2018. Issued on this 14TH day of MAY, 2018.

BRIAN S. LESTAGE, CLERK OF COURT

BY:

Elizabeth Dupuchin
Deputy Clerk of Court

*Also attached are the following documents

**A TRUE AND CORRECT COPY
OF THE ORIGINAL**

Elizabeth Dupuchin
Deputy

Clerk of Court
Beauregard Parish, LA

[SERVICE COPY]

Page 2/4 - CIVIL, 20180141, Transaction Date: 02/12/2018

THIRTY-SIXTH JUDICIAL DISTRICT COURT

FOR THE PARISH OF BEAUREGARD

2018 FEB 12 PM 12:15

STATE OF LOUISIANA

NO.: C-2018-0141-

DIVISION: B

ELITE SPECIALTY WELDING, LLC

VERSUS

PACKAGING CORPORATION OF AMERICA, ERIC SNELGROVE, JOSEPH AL
FLORES AND DAVID MARTINEZ

FILED: February 8, 2018

Dwenna Allen
DEPUTY CLERK

PETITION FOR DAMAGES

Petitioner, Elite Specialty Welding, LLC, a Delaware limited liability company,
respectfully represents:

1.

Made Defendants are:

Packaging Corporation of America, a foreign company doing business in Louisiana;

Eric Snelgrove, a person of the full age of majority and domiciliary of Louisiana;

Joseph Al Flores, a person of the full age of majority and domiciliary of Louisiana; and

David Martinez, a person of the full age of majority and domiciliary of Louisiana.

2.

Packaging Corporation of America ("PCA") owns and operates an integrated
containerboard mill in DeRidder, Louisiana that brings wood onsite, chips and pulps the raw
materials and makes paper (the "mill").

3.

Elite Specialty Welding, LLC ("Elite") provides welding and other specialized services to
industrial clients.

4.

In early 2017, as part of PCA's annual shutdown of the mill to perform routine
maintenance, PCA contracted with Elite to provide maintenance assistance, including welding, to
repair piping in the clean condensate tank located in PCA's mill.

Page 3/4 • CIVIL, 20180141, Transaction Date: 02/12/2018

5.

On February 8, 2017, while employees of Elite were performing the welding services they had been contracted to perform, the foul condensate tank near where Elite's employees were working exploded with such force that the tank traveled approximately 375 feet over a six story building.

6.

This explosion caused the deaths of three Elite employees and significant injuries to seven others.

7.

PCA and its mill managers, Eric Snelgrove ("Snelgrove"), Joseph Al Flores ("Flores") and David Martinez ("Martinez"), failed to provide a safe place for Elite's employees to work and placed Elite's employees in danger by failing to ensure that the area in which Elite's employees were directed to work was safe from all hazards and by failing to warn Elite's employees that PCA and its managers had failed to remove all flammable substances from the surrounding area.

8.

The sole and proximate cause of the February 8, 2017 explosion was the gross negligence of PCA acting independently and through its managers Snelgrove, Flores and Martinez in the following non-exclusive respects:

1. Failing to provide Elite with a safe place to work;
2. Failing to warn Elite of all recognizable hazards;
3. Failing to evaluate the majority of the non-condensable gas system at the mill, including the foul condensate tank;
4. Failing to conduct a process hazard analysis to identify, evaluate and control process safety hazards;
5. Failing to empty the foul condensate tank prior to directing Elite to begin operations thereby placing Elite's employees in clear and present danger;
6. Any and all other acts of negligence which may be proven at the trial of this matter.

9.

As a direct result of Defendants' sole negligence, PCA has incurred significant financial losses including, but not limited to: workers' compensation and other benefits paid to and/or on

Page 4/4 CIVIL, 20180141, Transaction Date: 02/12/2018

behalf of the three deceased Elite employees; workers' compensation and other benefits paid to and/or on behalf of the seven injured Elite employees; property damage; investigation costs; lost profits; damages to Elite's business reputation; and costs associated with other litigation arising out of the explosion.

10.

The damages at issue in this case are in excess of the jurisdictional threshold, and Elite demands a trial by jury.

WHEREFORE, Petitioner prays that Defendants be duly cited and served with a copy of this Petition and, after all due proceedings are had, there be a judgment in favor of Petitioner and against the Defendants, jointly and in solido, in amounts as are reasonable in the premises, together with legal interest thereon from date of judicial demand, until paid, and for all costs of these proceedings and for all other general and equitable relief.

Respectfully submitted,



CHRISTOPHER S. MANN (#26397)

PATRICK J. VETERS (#17843)

JONES WALKER LLP

201 St. Charles Avenue, 47th Floor

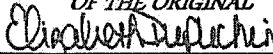
New Orleans, Louisiana 70170

Telephone: (504) 582-8332

**Attorneys for Elite Specialty Welding,
LLC**

PLEASE WITHHOLD SERVICE

*A TRUE AND CORRECT COPY
OF THE ORIGINAL*



Deputy

Clerk of Court
Beauregard Parish, LA

STATE OF LOUISIANA
THIRTY-SIXTH JUDICIAL DISTRICT COURT
PARISH OF BEAUREGARD

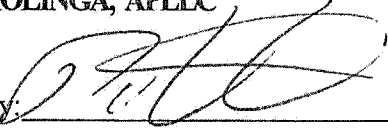
ELITE SPECIALTY WELDING, LLC	§	DOCKET NO. C-2018-0141,
	§	
v.	§	DIV. B
	§	
PACKAGING CORPORATION OF	§	
AMERICA, INC, ERIC SNELGROVE,	§	
JOSEPH AL FLORES AND DAVID	§	
MARTINEZ	§	
	§	
	§	

**MOTION AND ORDER FOR EXTENSION OF TIME TO FILE RESPONSIVE
PLEADINGS ON BEHALF OF ALL DEFENDANTS**

NOW INTO COURT, through undersigned counsel, come ALL DEFENDANTS, who, on suggesting to the Court that these defendants need additional time to answer plaintiff's Petition for Damages, move for a thirty (30) day extension of time in which to file responsive pleadings. Movers require additional time to investigate the matter and the allegations against them prior to filing responsive pleadings and respectfully suggest that the requested extension will not prejudice any party nor unduly delay the progress of this litigation.

Defendants were granted an informal extension to file responsive pleadings by July 9, 2018. Defendants request the extension of time to file responsive pleadings be extended an additional 30 days putting the due date at August 8, 2018. Defendants have sought, but not yet obtained, consent for the relief requested herein.

**BIENVENU, BONNECAZE, FOCO, VIATOR &
HOLINGA, APLLC**

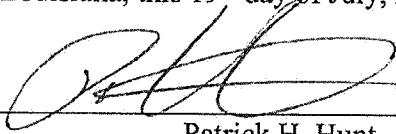
By: 
David M. Bienvenu, Jr., #20700
F. Charles Marionneaux, #18320
Lexi T. Holinga, #30096
Patrick H. Hunt, #34599
4210 Bluebonnet Blvd.
Baton Rouge, LA 70809
Phone: (225) 388-5600
Fax: (225) 388-5622

Attorneys for All Defendants

- CERTIFICATE -

I hereby certify that a copy of the above has been mailed, postage prepaid and correctly addressed, and emailed to plaintiff's counsel and emailed to all known defense counsel of record.

Baton Rouge, Louisiana, this 19th day of July, 2018.



Patrick H. Hunt

STATE OF LOUISIANA
THIRTY-SIXTH JUDICIAL DISTRICT COURT
PARISH OF BEAUREGARD

ELITE SPECIALTY WELDING, INC § DOCKET NO. C-2018-0141,
v. §
 § DIV. B

PACKAGING CORPORATION OF
AMERICA, INC.; ERIC SNELGROVE,
JOSEPH AL FLORES AND DAVID
MARTINEZ

FAX
Filed: July 19, 2018
By: Melissa M. Hearn
Deputy Clerk of Court

ORDER

Considering the foregoing Motion for Extension of Time filed by ALL DEFENDANTS:

IT IS HEREBY ORDERED that ALL DEFENDANTS are granted until August 8, 2018,

by which to file responsive pleadings to plaintiff's Petition for Damages.

This 1st day of August, 2018.



JUDGE, BEAUREGARD PARISH

C. Kerry Anderson, District Judge
36th Judicial District Court, Division B

Filed: September 10, 2018

By: Max M. Hearn

Deputy Clerk of Court

ELITE SPECIALTY WELDING LLC * 36TH JUDICIAL DISTRICT COURT
*
VERSUS * DOCKET NO. 2018-0141 DIV. B
*
PACKAGING CORPORATION * PARISH OF BEAUREGARD
OF AMERICA, ERIC SNELGROVE, *
JOSEPH AL FLORES AND DAVID * STATE OF LOUISIANA
MARTINEZ

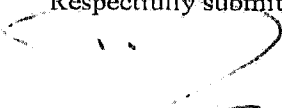
.....

MOTION TO WITHDRAW AND SUBSTITUTE COUNSEL OF RECORD


NOW INTO COURT comes Packaging Corporation of America, Eric Snelgrove, Joseph Al Flores, and David Martinez who hereby move this Honorable Court for an Order withdrawing David M. Bienvenu, Jr. F. Charles Marionneaux, Lexi Trahan Holinga, and Patrick Hayes Hunt and the firm of Bienvenu, Bonneau, Foco, Viator & Holinga, APLLC, as their own counsel of record, and substituting Jennifer E. Michel, Jeffrey A. Riggs, and Ericka L. Richoux of the law firm of Lewis, Brisbois, Bisgaard & Smith, as counsel of record for Packaging Corporation of America, Eric Snelgrove, Joseph Al Flores and David Martinez in the above captioned matter.

WHEREFORE, Packaging Corporation of America prays that David M. Bienvenu, Jr. F. Charles Marionneaux, Lexi Trahan Holinga, and Patrick Hayes Hunt and the firm of Bienvenu, Bonneau, Foco, Viator & Holinga, APLLC be withdrawn as their own counsel of record and that Jennifer E. Michel, Jeffrey A. Riggs and Ericka L. Richoux of the law firm of Lewis, Brisbois, Bisgaard & Smith be substituted as counsel of record for Packaging Corporation of America, Eric Snelgrove, Joseph Al Flores and David Martinez.

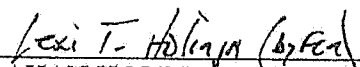
Respectfully submitted,

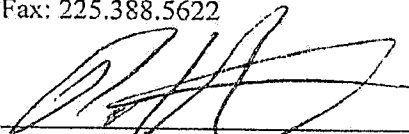


DAVID M. BIENVENU, JR. (#20700)
BIENVENU, BONNECAZE, FOCO,
VIATOR & HOLINGA, APPLC
4210 Bluebonnet Blvd.
Baton Rouge, LA 70809
Telephone: 225.388.5600
Fax: 225.388.5622




F. CHARLES MARIONNEAUX (#18320)
BIENVENU, BONNECAZE, FOCO,
VIATOR & HOLINGA, APPLC
4210 Bluebonnet Blvd.
Baton Rouge, LA 70809
Telephone: 225.388.5600
Fax: 225.388.5622


LEXI TRAHAN HOLINGA (#30096)
**BIENVENU, BONNECAZE, FOCO,
VIATOR & HOLINGA, APPLC**
4210 Bluebonnet Blvd.
Baton Rouge, LA 70809
Telephone: 225.388.5600
Fax: 225.388.5622


PATRICK HAYES HUNT (#34599)
**BIENVENU, BONNECAZE, FOCO,
VIATOR & HOLINGA, APPLC**
4210 Bluebonnet Blvd.
Baton Rouge, LA 70809
Telephone: 225.388.5600
Fax: 225.388.5622

AND


JENNIFER E. MICHEL (#24033989)
JEFFREY A. RIGGS (#24047624)
ERICKA L. RICHOUX (#37281)
LEWIS BRISBOIS BISGAARD & SMITH, LLP
100 East Vermilion St., Ste. 300
Lafayette, LA 70501
Telephone: 337.326.5777
Facsimile: 337.504.3341
*Counsel for Packaging Corporation of America,
Eric Snelgrove, Joseph Al Flores, and David Martinez*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion to Withdraw and Substitute Counsel has been forwarded to Patrick J. Veters, Jones Walker, 201 St. Charles Ave., New Orleans, LA 70170, pveters@joneswalker.com, counsel for Plaintiff, via electronic service and/or regular mail on this 7th day of September, 2018.


JEFFREY A. RIGGS

ELITE SPECIALTY WELDING LLC * 36TH JUDICIAL DISTRICT COURT
*
VERSUS * DOCKET NO. 2018-0141 DIV. B
*
PACKAGING CORPORATION * PARISH OF BEAUREGARD
OF AMERICA, ERIC SNELGROVE, *
JOSEPH AL FLORES AND DAVID * STATE OF LOUISIANA
MARTINEZ *

.....

ORDER Filed: September 10, 2018
By: Michael M. Sharn
Deputy Clerk of Court

IT IS HEREBY ORDERED that David M. Bienvenu, Jr. FD ~~Deputy Clerk of Court~~, Lexi Trahan Holinga, and Patrick Hayes Hunt and the firm of Bienvenu, Bonnecaze, Foco, Viator & Holinga, APLLC, be withdrawn as counsel of record for Packaging Corporation of America, Eric Snelgrove, Joseph Al Flores and David Martinez and that Jennifer E. Michel, Jeffrey A. Riggs, and Ericka Richoux of the law firm of Lewis, Brisbois, Bisgaard & Smith be added as counsel of record for Packaging Corporation of America in the above captioned matter.

DePudde, Louisiana, this 10th day of September,
2018.

/s/ C. Kerry Anderson
36TH JUDICIAL DISTRICT COURT JUDGE